



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Cemetery Board
VAC Chapter Number:	18 VAC 47-20-10 et seq.
Regulation Title:	Cemetery Board Rules and Regulations
Action Title:	Promulgation of Cemetery Board Regulations
Date:	2/15/00

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

In 1998 the Virginia General Assembly enacted the Cemetery Act, which was signed into law by the Governor to become effective July 1, 2000. § 54.1-2313 (part of the Act) became effective July 1, 1998 and establishes the Cemetery Board and confers upon the board the general powers and duties of regulatory boards as outlined elsewhere in Title 54.1 of the Code of Virginia.

The Cemetery Act further directs the Cemetery Board to promulgate regulations that regulate preneed burial contracts and perpetual care trust fund accounts. Further authority is given to the board to prescribe forms and develop disclosure requirements that are consistent with current State and Federal Law.

The adopted final regulations outline requirements made on cemetery companies and their sales personnel concerning their licensing, reporting and enforcement of the regulations

and the Act. The proposed regulations have been developed to ensure that regulants, as identified by the Cemetery Act, adhere to the substance as outlined in the statutes and that citizens of the Commonwealth of Virginia are afforded the protection intended by the Virginia General Assembly in the passage of the Act.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

1. 18 VAC 47-20-10 - Definition of "Outer Burial Container" modified in order to more closely align with the Federal Trade Commission's definition, in response to public comment.
2. 18 VAC 47-20-30 - Changed "legal business entity" to "person" in paragraphs A & B in order to clarify existing language as a response to public comment.
3. 18 VAC 47-20-50 - Changed the order of paragraphs A & B to ensure that the most important paragraph was listed first. This change of order required the title be modified. The word "may" was changed to "shall" in paragraph B (paragraph A proposed regulations) as a response to public comment.
4. 18 VAC 47-20-60 B - Language changed to simplify the passage in response to public comment.
5. 18 VAC 47-20-190 2 - Statement "Unless otherwise addressed in this chapter" added in order to clarify that the interment records required by 18 VAC 47-20-180 are required to be kept indefinitely and are not subject to the three year retention requirement.
6. Pre-need Burial Contact (Form CCPCTRCT) - Data field "Contract number" added to form for recordation of contract number required by § 54.1-2329 of the Code of Virginia in the identification of monies deposited in the pre-need trust fund.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On January 19, 2000, the Cemetery Board adopted a final regulation entitled "Cemetery Board Rules and Regulations" 18 VAC 47-20-10 et seq.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law

Chapter 23.1 of Title 54.1 of the *Code of Virginia* creates the statutory authority for the regulation of Cemetery Operators, Perpetual Care Trust Funds and Pre-need Burial Contracts.

Specifically, § 54.1-2313 of the *Code of Virginia* mandates that the Cemetery Board adopt regulations that:

1. Regulate preneed burial contracts;
2. Regulate perpetual care trust fund accounts;
3. Prescribe preneed contract forms;
4. Prescribe disclosure requirements and disclosure forms and require reasonable bonds to insure performance of preneed contracts;
5. Regulate and register sales personnel employed by a cemetery company;
6. Adopt a method for executing, at-need, a preneed burial contract when the licensee has had his license to operate a cemetery revoked or suspended; and
7. Adopt consumer protections, which are consistent with those provisions of the Federal Trade Commission Funeral Rules.

The proposed regulations implement each of the above in a manner believed to be the least burdensome on the regulated industry, while providing protection to the public against incompetent or unscrupulous persons engaging in the operation of a cemetery or maintaining the required trust funds.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

This is a new regulation to implement an Act of the 1998 Session of the General Assembly. The purpose of the adopted final regulations is to create a regulatory framework to protect the public.

Currently, cemeteries are registered by the Department of Agriculture and Consumer Services under the authority of Article 2.3 of Chapter 3 of Title 57 (§ 57-35.11 et seq.) of the *Code of Virginia*. Effective July 1, 2000, the responsibility of licensing cemetery operators and registering sales personnel working for cemetery companies will become the responsibility of the Cemetery Board at the Department of Professional and Occupational Regulation (DPOR). The authority of this implementation is contained in Chapter 23.1 of Title 54.1 (§ 54.1-2310 et seq.) of the *Code of Virginia*.

These adopted final regulations will facilitate the change of the current registration program to a licensure/registration program as prescribed by law.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The key provisions of the adopted final regulations that make changes to the current status of the law are identified and explained as follows:

- General:** Defines terms used throughout the regulations.
- Entry:** States the requirements of licensure/registration; establishes entry standards for licensure/registration for both cemetery companies and sales personnel; prohibits transfer of sales personnel registrations; outlines qualifications of preneed and perpetual care trustees; and lists associated fees for entry.
- Renewal and Reinstatement:** Establishes standards and requirements for renewal and/or reinstatement of license/registration, including requirement for reinstatement, status of license/registration during reinstatement periods, the Board's discretion regarding denial of licenses/registrations and associated fees.
- Standards of Practice and Conduct:** Outlines grounds for disciplinary action, license/registration maintenance requirements, record keeping requirements, prohibited acts, trust fund requirements, bonding requirements, contract and price list requirements and the authority to appoint a receiver to execute preneed contracts, at-need, in the case of a regulant whose license has been suspended or revoked (per § 54.1-2313.E.1 of the *Code of Virginia*).

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

While it can be argued that there are professional and occupational boards throughout the Commonwealth of Virginia whose regulant population has limited contact with the general population, very few individuals can go throughout their life without direct contact with a cemetery. Generally there are two types of contact the public has with a cemetery: at-need and preneed. At-need contact involves the involvement of the cemetery in the business of selling graves, entombment rights, or property (vaults, liners, urns, memorials, markers, etc.) used in connection with interring or disposing of the remains of a deceased human being, where delivery of the property is not delayed by more than 120 days. The majority of at-need services are provided within days or weeks of the interment or disposition of the remains of the deceased.

Preneed contracts, however, concern the sale of the rights and property outlined above more than 120 days before their use. The sale of rights and property months or years before they are needed can be very lucrative to a cemetery company. The public may choose to pay in full for the items or they may finance the contract. In either case the cemetery company has control of the funds paid by the public and are expected to deliver the property when needed, which could be years from the date of the sale. Current statutes require a certain percentage of the preneed sale be deposited into a preneed trust fund, which is established and maintained in accordance with Chapter 23.1 of Title 54.1 of the *Code of Virginia*. Funds are invested in accordance with Title 26 of the *Code of Virginia*.

The sale of rights and property do not terminate the cemetery company's responsibility to the public. It is not unreasonable for individuals who have entrusted the care of their deceased to a cemetery to expect that the facilities of that cemetery be maintained to accepted standards. This "perpetual care" would include, but not be limited to, the keeping of the grounds, the maintenance of the roads, the appearance of markers and memorials, and other esthetic areas. This maintenance comes at a cost to the cemetery operator and certain provisions are necessary to ensure that there are funds available to accomplish this task. Current statutes require a certain percentage of the sale of certain rights and/or property be deposited into a perpetual care trust fund, which is established and maintained in accordance with Chapter 23.1 of Title 54.1 of the *Code of Virginia*. Funds are invested in accordance with Title 26 of the *Code of Virginia*.

The costs of regulating cemetery companies and the sales personnel they employ are paid by the regulants. The licensees/registrants must pay a fee to the Department to become licensed/registered and to renew their licenses/registrations. No regulatory costs are paid from the general tax revenues.

These regulations are the most efficient and cost beneficial way to meet the statutory requirements of regulation set forth by the General Assembly and are, subsequently, the most advantageous to the Agency. No disadvantage to the Agency is predicted by the promulgation of these regulations.

In summary, the public, and those regulated, benefit from the protections provided by the regulatory program. Absent these protections there would be no monitoring of trust funds to ensure that there are adequate funds to provide for the perpetual care of a cemetery or to ensure delivery of rights and property paid for in advance by member of the public. The disadvantage is the fee paid by regulants to become licensed/registered that are necessary to pay government costs to assure compliance with the statutes.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

Cemetery Board - Comments on Proposed Regulations

Comment(s)	Regulation	Commentor's Name	Board Response
FD&E Board will submit written comments after completing a review of the published proposed regulations	General Comment	Elizabeth Tisdale Executive Director FD&E Board	none required
Regulations do not address specific complaints dealing with changes that occur through time; (i.e. deeds issued years ago have become interment rights, ownership issues, etc.) Definitions need to standardize all language used state and industry-wide. Requests notification of contract holders when a cemetery changes hands.	General Comment	Charles Poulston, Sr. 5942 Jessup Road Richmond, VA 23234	Processing and adjudication of complaints is completed by the Enforcement Division of DPOR and the Board and is completed in compliance with the Administrative Process Act and specific provisions of the Cemetery Act. The Board has no authority to control the pricing policies of a regulant. Definitions used in the regulations will standardize terminology, however, the Board has no control over the evolution of terminology from the past. There is insufficient data available at this time to indicate this regulation would be required. However, the Board will study this suggestion in future regulatory review.
Will non-profits/churches be required to obtain licensure?	General Comment	Robert L. Marston 12741 Glebe Lane Charles City, VA 23030	No comment required, question answered at hearing, copy of non-profit cemetery study forwarded to Mr. Marston by staff.
FD&E Board will be meeting prior to the end of the comment period and will provide written comments	General Comment	Fenton L. Bland, Jr. President, FD&E Board Richmond, VA	none required
Concern about exemptions in statute and if church cemeteries will be exempt. Status of study.	General Comment	Charles Reynolds Hebron Presbyterian Ch. 1040 Shallowell Road Manakin-Sabot, VA	No comment required, copy of non-profit cemetery study forwarded to Mr. Reynolds by staff.
40% trusting of preneed contracts is not	18 VAC 47-20-210	Kevin Smith	The trusting requirements are set forth in

adequate to ensure delivery of item, especially if cemetery experiences financial difficulties. 100% of preneed should be trusted as is currently in place in FD&E regulations. Concern that forms used in regulation of cemeteries be consistent statewide.		R. Hayden Smith Funeral Home 245 S. Armistead Ave Hampton, VA	the Cemetery Act and are considered adequate by the Cemetery Board. Forms developed and approved by the Cemetery Board will be required of all regulants on a statewide basis.
Competency of cemetery workers (monument installers), scope of prohibited acts, duties and responsibilities of the board in the enforcement of the regulations. Concern over cemeteries denying access to monument companies.	18 VAC 47-20-190 and General Comments	James R. Harris 8 Dogwood Lane Rumson, NJ	The Board has no authority to implement competency standards for cemetery employees. Existing Federal case law already prohibits a cemetery from restricting access of facilities to monument installers.
Implementation of area or regional sales personnel licenses due to the transitory nature of these personnel. Requests Board consider the adoption of a "temporary registration" to allow sales personnel to actually sell during the time period that the agency is processing the application.	General Comment	David Bell Parklawn Memorial 12800 Veirs Mill Rd Rockville, MD	§ 54.1-2313(D)(ii) requires the Board to "regulate and register sales personnel employed by a cemetery company." The Board has determined that the most appropriate way would be to require sales personnel to be registered with each cemetery they sell for. Additionally, the issuance of a "temporary registration" to allow sales personnel to actually sell during the license processing time period is not authorized by the statutes.
Posting of information regarding name of property, contact person, hours of operation, etc.	General Comment	Brenda French 2154 Waters Mill Pointe Richmond, VA	The Board does not have the authority to dictate or approve hours.
Scheduling hours of public access	General Comment	Brenda French 2154 Waters Mill Pointe Richmond, VA	The Board has no authority to require commercial businesses to maintain certain hours of operation.
Safeguards in place to protect workers from Creutzfeldt-Jacob Disease	General Comment	Brenda French 2154 Waters Mill Pointe Richmond, VA	Protection of workers and responsibility of employers comes under the administration of OSHA through such authority as 29 CFR 1910.1030 (Bloodborne Pathogens)
Addition of "Inappropriate handling of dead human remains" to prohibited acts	18 VAC 47-20-190	FD&E Board 6606 W. Broad St. Richmond, VA	This is adequately covered in 18 VAC 47-20-190 (13) which prohibits engaging in negligent, improper, fraudulent, or dishonest conduct.
Notification of preneed contract holders of sale or transfer of cemetery and regulation of the transfer of records during such sale or transfer	General Comments	FD&E Board 6606 W. Broad St. Richmond, VA	There is insufficient data available at this time to indicate this regulation would be required. However, the Board will study this suggestion in future regulatory review.
Request to reformat regulations for brevity	18 VAC 47-20 et seq.	Regulatory Support Services (RSS) P.O. Box 83 Manakin-Sabot, VA	Regulations are formatted consistently with other boards within DPOR and follow the guidelines of the Virginia Register Style Manual.
Define "Outerburial container" to be consistent with FTC requirements	18 VAC 47-20-10	RSS Manakin-Sabot, VA	The definition of outer burial container was changed to be consistent with the FTC requirements.
Add definition of "cremation urn" (example provided in comment)	18 VAC 47-20-10	RSS Manakin-Sabot, VA	This definition is not necessary in these regulations.
Add definition of "cremation vault" (example provided in comment)	18 VAC 47-20-10	RSS Manakin-Sabot, VA	This definition is not necessary in these regulations.
Clarify definition of term "firm" due to the possible confusion it may cause since it is used to define both trust company and cemetery company	18 VAC 47-20-10	RSS Manakin-Sabot, VA	The term "person" was substituted in the regulations in an effort to be consistent with the statutes.
Add definition of "contract buyer"	18 VAC 47-20-10	RSS Manakin-Sabot, VA	This definition is not necessary in these regulations.

Change wording in regulations where “person for whom the contract is purchased” to “contract beneficiary” to coincide with the statutes.	General Comment	RSS Manakin-Sabot, VA	The Board has determined that no change is required.
Consider a statutory change of the term “seller” (in statute it is defined as the cemetery company)	General Comment	RSS Manakin-Sabot, VA	This would require a change in the statute.
Consider deletion of this section due to the duplication with the Code and for consistency	18 VAC 47-20-30 (A)	RSS Manakin-Sabot, VA	This change was adopted in the final regulations.
Change “may” to “shall” as may is not enforceable	18 VAC 47-20-50 (A)	RSS Manakin-Sabot, VA	This change was adopted in the final regulations.
Consider moving this section of regulations pertaining to sales personnel to paragraph A in order to emphasis its importance	18 VAC 47-20-50 (B)	RSS Manakin-Sabot, VA	This change was adopted in the final regulations.
First and last sentences of this section of the regulations appear redundant. Reword the paragraph and delete the last sentence	18 VAC 47-20-60 (B)	RSS Manakin-Sabot, VA	These provisions are not duplicative. The last sentence is more specific.
Consider placing ALL fees into a single section and not in multiple paragraphs	18 VAC 47-20-70	RSS Manakin-Sabot, VA	Placing the applicable fees in the appropriate section is less confusing to regulants and has been adopted as a standard regulatory format by other boards within DPOR.
Fees do not appear comprehensive to support the Board’s program	18 VAC 47-20-70	RSS Manakin-Sabot, VA	Fees were determined by the completion of a Fiscal Impact Analysis by DPOR, which was reviewed and approved by the Department of Planning and Budget.
“Addition of cemetery” fee appears redundant. If a cemetery is added to an existing license, is it not the same as an initial license?	18 VAC 47-20-70	RSS Manakin-Sabot, VA	The “Addition of a Cemetery” is not the same as an initial license, it is an add-on to the Cemetery Company’s license, subsequently, it requires its own fee.
Suggest Board charge a fee for processing of trustee application and oversight of trustees.	18 VAC 47-20-70	RSS Manakin-Sabot, VA	This is not necessary as the cost for this transaction has been factored in to the determination of the original application fee.
Change renewal cycle so that all licenses expire at the same time	18 VAC 47-20-80	RSS Manakin-Sabot, VA	The purpose of staggered renewal is to prevent the staff from having to complete the review and renewal of the entire regulant population within a thirty day period.
Clarify when the licensed establishment or registrant can expect the renewal application (suggested language included)	18 VAC 47-20-100	RSS Manakin-Sabot, VA	The determination of when a renewal application will be sent is made by the agency, can depend on a number of outside factors and can vary from board to board.
Abolish “grace period”, as the agency will have an additional expense tracking regulants through the grace period.	18 VAC 47-20-110 (A)	RSS Manakin-Sabot, VA	The thirty-day “grace period” is standard throughout the regulatory boards at DPOR. Bank lock box programs and DPOR’s internal programs are written to permit a grace period.
Move the unlicensed information of this section to Part I of the regulations, reword with provided language, and change the word “may”.	18 VAC 47-20-110 (C)	RSS Manakin-Sabot, VA	The regulations were drafted in accordance with the Registrar’s Form, Style and Procedure Manual.
This section as it pertains to a reinstated license/registration having the same number appears to be information only and is not an enforceable regulation, suggest deleting.	18 VAC 47-20-110 (C)	RSS Manakin-Sabot, VA	While this is not an enforceable regulation it is important information and is consistent with language used in the regulations of other boards disseminating similar information.
This section is redundant and could be stated generically in Part I, suggest deleting and relocating it.	18 VAC 47-20-120 (A)	RSS Manakin-Sabot, VA	This is a reinstatement provision and is properly located in that section.

This section as it pertains to reinstatements having been continuously licensed is unclear and potentially confusing.	18 VAC 47-20-120 (B)	RSS Manakin-Sabot, VA	This section has language which has been approved by the Office of the Attorney General and is used in the regulations promulgated by other boards. This section is to inform the regulant that they still come under the authority of the board from the expiration date of the license to the reinstatement date.
Clarify requirement of changes submitted to the board in writing within 30 days, may be in conflict with § 54.1-2311 of the Code	18 VAC 47-20-160 (A) and any other applicable section	RSS Manakin-Sabot, VA	The board has reviewed this section for consistency with the statute. The statute references changes to any information required on the application form.
Maintenance of license and registration section of regulations would appear to be more pertinent if located in Part I	18 VAC 47-20-160 (A)-(E)	RSS Manakin-Sabot, VA	This is a disciplinary provision and is properly located.
Adding a cemetery is redundant; it is identical to initial licensure.	18 VAC 47-20-160 (B)	RSS Manakin-Sabot, VA	The "Addition of a Cemetery" is not the same as an initial license, it is an add-on to an existing Cemetery Company license, subsequently, it requires its own regulation.
This section of the regulations would receive more attention and achieve stronger emphasis if stated in Part I.	18 VAC 47-20-160 (B)-(D)	RSS Manakin-Sabot, VA	This is a disciplinary provision and is properly located.
This section should be relocated to Part I. Additionally, would this section concerning sales personnel be considered a change?	18 VAC 47-20-160 (E)	RSS Manakin-Sabot, VA	This section references maintenance of licenses and is properly located. The section does not reference any change in information provided to the Board and, therefore, is not subject to the 30-day rule.
Are there any areas where a license cannot be displayed? Must licensees/registrants take the public to the display if requested or will they have wallet cards? Suggested language included.	18 VAC 47-20-170	RSS Manakin-Sabot, VA	The Board has not determined that there is any area where a license could not be displayed. All licenses and registrations will include a wallet card.
18 VAC 47-20-180 indicates that interment records must be kept permanently, however, 18 VAC 47-20-190 (2) discuss failure to maintain records for a period of three years, this appears contradictory.	18 VAC 47-20-180 & 18 VAC 47-20-190 (2)	RSS Manakin-Sabot, VA	The phrase "Unless otherwise addressed by this chapter.." was added to 18 VAC 47-20-190 (2) in order to clarify that the interment records required in 18 VAC 47-20-180 are required to be kept indefinitely and are not subject to the three year retention requirement.
Suggest a 10 day requirement for reporting officers, directors or compliance agents who are convicted of felonies, similar to that required upon termination of sales personnel, 30 days is more relaxed	18 VAC 47-20-190 (9) and (10)	RSS Manakin-Sabot, VA	These are two separate areas of reporting and, subsequently, require two separate time frames. The 30 day time period required for reporting criminal activity takes into consideration the time frame required to obtain documentation of a conviction. Additionally, this does not have an immediate affect on a license. However, the termination of the employment of a salesperson, whether voluntary or involuntary has an immediate affect on the license. Subsequently, an expedited reporting requirement is in place.
The term "reasonable" is unclear and subjective in this section, suggest clarification of the term.	18 VAC 47-20-190 (11)	RSS Manakin-Sabot, VA	The term "reasonably" expressly allows the Board to use its discretion in reviewing all facts in the determination of a violation of this prohibited act.
Consider a consistent cross-reference for licensees between regulations and the Code in these sections.	18 VAC 47-20-200 (A)-(F) & 18 VAC 47-20-210	RSS Manakin-Sabot	The Board has considered and utilized cross-references where deemed appropriate and necessary.
Consider future legislation to increase pre-	18 VAC 47-20-210	RSS	The Board has determined that the 40%

need trusting amount, the establishment of a “Recovery Fund,” and to address the transfer of pre-need accounts to a new owner of a cemetery, including the notification of all contract holders.		Manakin-Sabot, VA	minimum requirement is adequate. The Board will consider future action on this issue. Regarding notification of contract holders upon transfer of accounts, there is insufficient data available at this time to indicate this regulation would be required. However, the Board will study this suggestion in future regulatory review.
The Itemized Statement and GPL section is inconsistent with FTC language	18 VAC 47-20-220	RSS Manakin-Sabot, VA	The Board has determined that this language is appropriate and meets the statutory requirement.
Consider a statutory change to increase the cancellation timeframe allowed to a consumer. Three days does not appear sufficient.	18 VAC 47-20-230 (6)	RSS Manakin-Sabot, VA	The cancellation period is statutory and is addressed in § 54.1-2328(A)(7) of the Code of Virginia.
Suggest adding FTC requirements to the phrase “Complies with all disclosure requirements imposed by the Board;”	18 VAC 47-20-230 (9)	RSS Manakin-Sabot, VA	The Board has determined that this language is appropriate and meets the statutory requirement.
This is an excellent disclosure	18 VAC 47-20-230 (B)	RSS Manakin-Sabot, VA	The Board concurs.
Does this statute and the regulations require that the cemetery company keep on file general prices lists that are no longer effective? Does a GPL have to be kept for three years as other documents outlined in 18 VAC 47-20-190(2). FTC and FD&E Board only require one year retention on GPLs.	§ 54.1-2314(11)	RSS Manakin-Sabot, VA	The Board has determined that the GPL is included with other documents referenced in 18 VAC 47-20-190 (2) and will be subject to the three year retention requirement.
Although in-person communication is defined in § 54.1-2310, it doesn’t appear in this section either as an allowed or prohibited activity. However, it does appear as a somewhat isolated statute in § 54.1-2327. Consider legislation that would put all solicitation requirements in the same section of the Code.	§ 54.1-2315	RSS Manakin-Sabot, VA	The Board is satisfied with the language of the statute as written.
How will the Board monitor the annual reporting requirement? Will the cemetery company report its fiscal year on the license application? Please clarify.	§ 54.1-2329	RSS Manakin-Sabot, VA	Monitoring of annual reports will be done by the licensing staff using the current computer system to track licensing records. The application requires the documentation of a Cemetery Company’s fiscal year period.
§ 54.1-2328 and the Board’s regulations do not state that a preneed contract must have a contract number. Please clarify.	§ 54.1-2329	RSS Manakin-Sabot, VA	The assignment and documentation of a contract number was added to the Preneed Contract Form prescribed by the Board.

Note: Regulatory Support Services also included a number of comments not pertaining to the proposed regulations, but referencing the Cemetery Act. Those comments are not included on this matrix; however, they are provided to the Cemetery Board for informational purposes.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This

statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

These are new regulations and, as such, there are no existing regulations to change.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

These regulations will have no impact on families as outlined in this section.